

ANNE MILGRAM  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law, 5<sup>th</sup> Floor  
124 Halsey Street  
Newark, New Jersey 07101  
Attorney for the State Board of Physical Therapy Examiners

**FILED**  
**BOARD OF PHYSICAL THERAPY**

**JUN 16 2009**

By: Carmen A. Rodriguez  
Deputy Attorney General  
Tel: (973) 648-3696

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF PHYSICAL THERAPY  
EXAMINERS

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IN THE MATTER OF THE  
SUSPENSION OR REVOCATION OF  
THE LICENSE OF

DESIREE GIBBS, P.T.  
LICENSE NO. 40QA01187600

TO PRACTICE PHYSICAL THERAPY  
IN THE STATE OF NEW JERSEY

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Administrative Action

FINAL ORDER  
OF DISCIPLINE

This matter came before the New Jersey State Board of Physical Therapy Examiners (“the Board”) upon information that the respondent has failed to complete a total of thirty (30) credits of continuing education in approved physical therapy courses during the period of February 1, 2006 through January 31, 2008, as required for the 2008-2010 biennial license renewal pursuant to N.J.S.A. 45:9-37.18 (a) 10 and N.J.A.C. 13:39A-9.1 et. seq. Based upon information received and which the Board has reviewed, the following preliminary findings are made:

## FINDINGS OF FACT

1. Respondent is a physical therapist in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On December 17, 2007, the respondent submitted her completed application for renewal of license as a physical therapist in the State of New Jersey.

3. The respondent affirmed on the renewal application for the 2008- 2010 renewal period that she will have completed the required continuing education by the period preceding the established renewal date of February 1, 2008.

4. On April 25, 2008, the Board of Physical Therapy Examiners initiated a random audit of renewal applications for the 2008-2010 period, asking licensees to submit proof with regard to the satisfaction of continuing education requirements for the biennial renewal period, i.e., thirty (30) credit approved hours. The audit letter was sent by certified mail, return receipt requested to the respondent's address of record and was received by the respondent on May 1, 2008.

5. On June 2, 2008, the Board served a second letter also by certified mail, return receipt requested, to the respondent's address of record asking the respondent to submit proof with regard to completion of the required credit hours.

6. Respondent submitted correspondence to the Board dated October 22, 2008 explaining that she moved to Florida in 2005 due to a her child's debilitating illness, loss of her home and her business. She moved back to New Jersey in April 2008 and is employed as a physical therapist at two different facilities. She also requested that the Board allow her to submit recently obtained continuing education credits or that the Board postpone the audit to the next biennial renewal period due to her financial difficulties.

### CONCLUSION OF LAW

Respondent has not satisfied the requirements of N.J.S.A. 45:9-37.18 (a) 10 and N.J.A.C. 13:39A-9.1 et. seq. with regard to the completion of the appropriate number of approved continuing education credit hours and is therefore subject to sanctions pursuant to N.J.S.A. 45:1-21(h), failure to comply with the provisions of an act or regulation administered by the Board, which constitutes grounds for suspension or revocation of any certificate, registration or license, and grounds for sanction pursuant to N.J.S.A. 45:1-25.

### DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline requiring respondent to pay a civil penalty of one thousand dollars (\$1,000.00) for violation of the above regulations was entered on November 26, 2008, and a copy was served on and received by the respondent on December 12, 2008. The Provisional Order also stated that respondent's license would be suspended by Final Order in the event that respondent failed to submit proof of having completed the requisite thirty (30) hours of continuing education credits within sixty (60) days of the final order. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless respondent requested a modification or dismissal of the stated Finding of Fact and Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting

respondent's request for consideration and reasons therefor.

On January 9, 2009 the Board received correspondence from the respondent requesting a authorization to pay the civil penalty in installments of fifty dollars (\$50.00) per month and/or reduction of the civil penalty due to financial hardship. The respondent stated that she had completed twenty-four (24) continuing education requirements and would complete the remaining six (6) required credits in the coming months upon receipt of funds.

In facsimile correspondence dated March 17, 2009, the respondent provided documentation indicating the completion of twelve and a half (12.5) credits completed by the respondent within the biennial renewal period. Specifically, respondent completed a course on March 7-8, 2009, for twelve and a half (12.5) continuing education credits, entitled "Shoulder Update" sponsored by Nova Care Rehabilitation. In addition, the respondent provided a Continuing Education Tracking Form (the "Form") indicating completion of the following: fifteen (15) credits completed by respondent on October 4-5, 2008 through a course entitled "Applied Techniques of Manual Therapy - A Clinical Approach to Myofascial," sponsored by Great Lakes Seminars; completion of a course on December 14, 2008, for four (4) credits, entitled "Physical Therapy Ethics & New Jersey Jurisprudence" sponsored by the New Jersey State Board of Physical Therapy Examiners; and completion of six (6) credits on September 19, 2008, through a course entitled "Advances in Orthopaedic Care: It's Not Just Broken Bones," sponsored by PESI HealthCare.

Respondent's submissions were reviewed by the Board, and the Board determined that further proceedings were not necessary and that no material discrepancies had been raised. The credits for continuing education must be obtained biennially by each holder of an active license during the period preceding the established license renewal date as required by N.J.S.A. 45:9-37.18 (a) 10. Thus, the respondent must have completed her thirty (30) credits by January 31, 2008. The

Board determined that the respondent failed to submit proof of additional credits on a timely basis as the proofs presented indicated that respondent did not satisfy the total amount of continuing education credits within the preceding license renewal period as only twelve and a half (12.5) credits were obtained within the renewal period. The respondent submitted additional correspondence evidencing that she has obtained the remaining seventeen and a half (17.5) outstanding credits between January 2009 and September 2009. The Board accepted the credits submitted. The Board finds that there are sufficient mitigating circumstances to warrant the reduction of the civil penalty, and voted to reduce the one thousand dollar (\$1,000.00) penalty to the amount of five hundred dollars (\$500.00), and to permit the respondent to remit payment of the penalty by installments of fifty dollars (\$50.00) per month.

**THEREFORE, IT IS ON THIS** 16<sup>th</sup> **DAY OF** June **, 2009,**

**ORDERED:**

1. Respondent submitted written proofs of satisfaction of the thirty (30) credits required in continuing education for the 2006-2008 biennial registration on or about March 17, 2009. All credits submitted as a result of the Provisional Order are **NOT** to be used to renew the respondent's license for the 2010-2012 renewal period. Thus, the Board will not suspend the license of the respondent and acknowledges that the respondent satisfied the thirty (30) continuing education credits by March, 2009.

2. Respondent shall pay a civil penalty of five hundred dollars (\$500.00), in installments of fifty dollars (\$50.00) per month, pursuant to N.J.S.A. 45:1-25 for violation of N.J.S.A. 45:9-37.18 (a) 10, N.J.A.C. 13:39A-9.1 et. seq. and N.J.S.A. 45:1-21(h) as evidenced by your previous failure to satisfy the continuing education requirements. Payment is to be remitted by means of a certified check or money order, payable to the New Jersey State Board of Physical Therapy

Examiners. Such payment is to be sent to the Board of Physical Therapy Examiners, attention Lisa Affinito, Executive Director at 124 Halsey Street, Sixth Floor, Post Office Box 45014, Newark, New Jersey 07101, with the first payment due no later than thirty (30) days from the receipt of the Final Order.

**3. The continuing education credits submitted by respondent indicating completion of the required thirty (30) credits are NOT to be used to renew respondent's license for the 2008-2010 renewal period.**

4. In the event that respondent's submissions establish a need for further proceedings, including, but not limited to, an evidentiary hearing, respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, and upon review of the record, the Board shall not be limited to the findings of facts and conclusions of law and sanctions herein.

NEW JERSEY STATE BOARD  
OF PHYSICAL THERAPY EXAMINERS

By: Karen Wilk PT, DPT 40Q A00560100  
Karen Wilk, P.T., D.P.T.  
Chair